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October 16, 2024

**VIA ECF**

Hon. Katherine Polk Failla  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: Burns Engineering, Inc. v. Arup USA, Inc. v. Potomac Yard Constructors, et al.; No. 24-cv-04556-KPF**

**JOINT REQUEST FOR ADJOURNMENT OF PRETRIAL CONFERENCE**

Dear Judge Failla:

I am counsel for Plaintiff Burns Engineering Inc. This matter is presently scheduled for a pretrial conference on October 29, 2024, at 11 AM.

On August 20, Defendant Arup USA, Inc., filed a Third Party Complaint joining Potomac Yard Constructors (“PYC”), Halmar International, LLC (“Halmar”), and Schiavone Construction Co. LLC (“Schiavone”), as Third Party Defendants in this case. These parties have not yet filed their answer to the Third Party Complaint.

In response to the September 18 request from PYC, Halmar, and Schiavone, the Court has scheduled a pre-motion conference for October 22 at 11 AM to consider whether to allow PYC, Halmar, and Schiavone to file a motion to dismiss the Third Party Complaint. In light of this conference, and because no answer has yet been filed by PYC, Halmar, and Schiavone to the Third Party Complaint, all parties believe that it again makes sense for the Court to postpone the scheduled pretrial conference until after a motion is decided, if one is allowed to be filed, and PYC and Halmar and Schiavone have answered the pleadings, or until after PYC and Halmar and Schiavone have answered the pleadings, if no motion is allowed to be filed.

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This is a joint request of Burns, Arup, PYC, Halmar, and Schiavone, and counsel for all parties have consented to this letter request.

Respectfully,

*/s/ Christopher I. McCabe*

Christopher I. McCabe, Esq.

CIM/cim

cc: Counsel of Record (via ECF)

Application GRANTED. The initial pretrial conference scheduled for October 29, 2024, and all associated deadlines, are hereby ADJOURNED *sine die*, pending further order of the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 39.

Dated: October 17, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE